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ready to assent to such a view as this than the people of any other country in the world, because we have been long accustomed to the existence of a great tribunal, a part of whose duty it is to sit in judgment upon the question whether the governments of the sovereign States and the government of our own nation, in their acts, conform to the great principles of justice and right conduct embodied in our Constitution. That arrangement, of embodying the eternal principles of justice in a written instrument investing a court with the power to declare all acts of Congresses and legislatures and presidents and governors void and of no effect when they fail to conform to those principles, is, it seems to me, the greatest contribution of America to the political science of the world. We are accustomed to seeing the actions of the men who hold the power, the actions of the legislative bodies that hold the purse strings, submitted to the adjudication of the court which has no power to enforce its decrees, except the confidence of the whole people behind it. We are accustomed to that, and it seems natural to us that nations, however great, and rulers, however powerful, should go before a court and submit the question whether their actions and their views accord with the principles of justice. But it does not seem so to most of the world. It is rather a new idea, and it will take time and argument and exposition to bring the world in general to the acceptance of that view. And upon that long pathway this Society has entered. A prosperous voyage to it and a safe arrival!

I have said that the time has come for practical dealing with specific causes and specific remedies. Do not understand me as believing that this is to be substituted for the continuous and unwearied assertion and reassertion of the great principles upon which the movement for peace and justice must depend in all parts and in every phase. For, however great may be the material wealth and power of these great nations, after all, what rules the world, the one thing that is eternal and all powerful, is the intangible and the sentimental.

Hague Conferences and World Peace.

BY JUDGE ROBERT F. RAYMOND OF THE MASSACHUSETTS SUPERIOR COURT.

[The following address, given by Judge Raymond before the Neighbors' Club of Newton Centre, Mass., on March 13, gives a summary of the work and results of the Hague Conferences which will be very useful to those seeking a brief and convenient account of those important gatherings.—ED.]

On the 24th of August, 1898, Count Mouravieff, Russian Minister of Foreign Affairs, handed to the diplomatic representatives accredited to the Court of St. Petersburg an imperial rescript calling an international conference, and containing the following language:

"The maintenance of general peace and the possible reduction of the excessive armaments which weigh upon all nations present themselves, in the existing condition of the world, as the ideal towards which the endeavors of all governments should be directed. In the course of the last twenty years the longings for a general peace have become especially pronounced in the consciences of civilized nations. The preservation of peace has become the object of international politics; in its name great states have made powerful alliances; for the better guarantee of peace they have developed, in proportions hitherto unprecedented, their military forces, and still continue to increase them without shrinking from any sacrifice. All these efforts, however, have not yet been able to bring about the beneficent results of the desired pacification."

The rescript further suggested that the Conference should have as one of its primary objects the discussion of mediation and voluntary arbitration as means of preventing armed conflicts between nations.

In December following Count Mouravieff issued a second circular suggesting a program for discussion at the Conference, and further saying: "My august master considers it advisable that the Conference should not sit in the capital of one of the great powers where so many political interests are centered which might impede the progress of a work in which all the countries are equally interested." In April, 1899, the Dutch government extended an invitation to the powers indicated by Russia to meet at The Hague, and in that city, where stood the Cradle of International Law, where for centuries took place important negotiations between European powers, in the midst of great historic traditions, local and international, the first Hague Conference began its sessions on the 18th of May, 1899.

The world had regarded the whole project as a manifestation of the harmless idiosyncrasy of the weak ruler of a semi-civilized people. In his *Reminiscences* Andrew D. White tells us he was skeptical as to the whole matter, and his feelings were strongly against accepting a place on the American delegation. Many of the delegates arrived at The Hague in a spirit of levity as to the work of the Conference, as if the whole thing were a huge diplomatic joke which the Czar sought to perpetrate upon the nations. We can see to-day that Nicholas was moved by influences far from humorous in sending his call to the powers. In his thoughtful little book on "The Federation of the World" Dr. Trueblood says that "the rescript was not an accident, not the product of a capricious emperor's whim, nor of a nation's long-headed, scheming ambition. Behind it were the accumulated forces of centuries of Christian progress." "The need of Russia in this regard, a need voiced in the utterances of Tolstoy and in the great work of Bloch on 'The Future of War,' was the need of the whole civilized world." We may discern, too, the influence on the mind of the Czar and his ministers of the great discussion of Hugo Grotius on "The Rights of War and Peace," which, since its issue in the first half of the seventeenth century, has, in the opinion of Andrew D. White, exerted greater influence on the opinions of mankind "than any book not claiming divine inspiration." In order to appreciate the spirit of the Conference, it is necessary to consider, too, the forces which have been working with accumulating power through the generations to bring men to that mutual understanding and respect which lie at the foundation of any just peace among the nations. Here, too, I follow closely the illuminating discussion of Dr. Trueblood:

1. The preaching of the Gospel and the work of missions, carrying the principles of the Fatherhood of God and the brotherhood of man, have developed a humane spirit, higher ethical conceptions and goodwill among men.

2. Commerce has been internationalized, and the industrial, monetary and credit systems of business have knit the peoples together in ever-closer business relations.

3. Travel and communication have brought men to know each other and to respect each other's customs, institutions and characteristics.

4. Political ideas and institutions are undergoing transformation; the democratic spirit is pervading society, strengthening the sense of justice and human rights and enlarging the sympathies of men for men everywhere.

5. The various international congresses, political, religious, philanthropic, commercial and scientific, are linking together the leaders of thought in ties of common interest.

6. The ministries of modern diplomacy cross and inter-cross between the capitals of all the powers.

7. For nearly a century numerous organizations have been formed for the direct object of promoting peace, among which stand preëminent the peace societies, the Interparliamentary Union and the International Law Association.

The influence of these forces pervaded the spirit of the Conference and shaped the opinions of the men who wrought in its councils.

In seeking to estimate the significance of that Conference on world peace, it is worth our while to consider its personnel and what was represented by the men who worked there from the 18th of May to the 29th of July, 1899. Europe consists of twenty nations; all were represented at The Hague. From Asia came delegates of China, Japan, Persia and Siam. The Western Continent sent representatives of the United States and Mexico. The Central and South American States had no diplomatic representatives at St. Petersburg, and consequently were not included in the call. The twenty-six nations represented, with their dependencies, contain more than twelve hundred million people, or four-fifths of the population of the globe, and included five-sixths of the earth's surface. No such gathering of tongues has met since the dispersion at Babel. In the languages there spoken would be found the literature, the political wisdom and power, the art and science, and religious life and thought which constitute modern civilization. Great diplomats were there, ministers of state, jurists, experts in international law, educators, journalists, legislators, high military and naval officers, men who dictate the policies and control the political destinies of all lands and races, men who embody the highest thought and richest development of civilization,—these were the men who gathered in that historic chamber on that May day in 1899 to deliberate together on the things that make for peace. If they realize the significance and possibilities of their meeting, the poet's dream of "The Parliament of Man" begins here and now its fulfillment. Whatever was the spirit in which they met, undoubtedly they did speedily become conscious of the vital significance to the world of the work entrusted to their hands.

The program set forth in the Czar's second circular suggested three main subjects for discussion, to wit: the Laws and Customs of War, the Limitation of Armaments and the Pacific Settlement of International Disputes. The Conference divided into three sections or commissions, for more convenient and business-like procedure along these lines. Day after day, with increasing interest and high purpose, these world statesmen worked in a spirit of harmony and coöperation, with a notable absence of political intrigue and trickery, and with a notable presence of high courtesy, mutual respect and consideration, in a search for truth and agreement and with an earnest purpose to reach results which should satisfy and benefit all concerned.

The reasonable limits of this paper do not permit me to enter into the statesmanlike discussions which rendered the sessions memorable. I purpose rather to set forth certain results of the Conference and briefly to show their bearings on the peace of the world.

And first let me point to the Conference itself as a fact of tremendous significance. Men had declared that such conference was impossible; that, if held, it would be the scene of wrangling and strife and recrimination, and would break up in confusion and hostility. The impossible was accomplished. The world has seen that representatives of races so diverse, of political systems so varied and conflicting, that men of all races and tongues and traditions and customs and institutions, could meet in conference, and for ten weeks could discuss together great world problems, and that no man lost his temper or laid aside his courtesy, or forgot that he was a gentleman and behaved himself unseemly. On the contrary, every day harmony and courtesy and mutual consideration prevailed, until at the close these delegates separated regretfully and as friends. Has that fact no significance for peace and goodwill among the nations in which these men were leaders of thought and moulders of public opinion? The Conference did accomplish also things of great moment along the lines laid down in the program. Let us take them up in the order suggested above.

A convention was adopted revising the regulations for the government of armies in time of war, limiting the conduct of belligerents, defining the rights and increasing the protection of non-combatants and prisoners of war, and extending to naval warfare the Red Cross with its humane provisions and ministrations of mercy.

Three declarations were also made. In the first "The contracting powers agree to prohibit for a term of five years the launching of projectiles and explosives from balloons." In the second "The contracting powers agree to abstain from the use of projectiles, the object of which is the diffusion of asphyxiating or deleterious gases." In the third "The contracting powers agree to abstain from the use of bullets which expand or flatten easily in the human body, such as 'bullets with a hard envelope which does not entirely cover the core, or is pierced with incisions.'"

The general effect of the work of this commission was to humanize so far as possible the inhumanities of actual war, or, as the preamble to one of the declarations says, "to diminish the evils inseparable from warfare." We may believe that the study of the customs of war by these wise men must result in deep-seated conviction of its irrational character in determining disputes among men, and of the truth so pithily stated by John Hay, that "war is the most futile and ferocious of human follies." "War never decides who is right, but only who is stronger."

The chief object set forth in the call for the Conference was the limitation of armaments. The mad rivalry in naval construction and army increase threatened the powers with inevitable bankruptcy unless some means were devised to check the exhausting drain therefrom. It was speedily seen, however, that until the powers could find some acceptable substitute for force in settling international difficulties, no progress could be made in this matter. Under the lead of M. Bourgeois of France, the

Conference unanimously adopted the following resolution:

"The Conference is of opinion that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind. The Conference expresses the wish that the governments, taking into consideration the proposals made at the Conference, may examine the possibility of an agreement as to the limitation of armed forces by land and sea, and of our budgets."

The Conference thus set the seal of a mild diplomatic condemnation on the present policy of naval and military expansion. Nothing further was done. The seed thus sown is delayed in springing up and bearing fruit. Meantime the Dreadnoughts multiply, and our own land, in time of profound peace with all the world, spends seventy-two cents of every dollar of federal revenue in war expenditure, while we apply the other twenty-eight cents to the running of our government. I suggest that we either change the tone of our patriotic oratory or change the expenditure of our federal income.

The caution of statecraft forbade any limitation of the enginery of war so long as nations continue to settle their differences by the use of force. This Conference looked forward to the time when reason should be substituted for force, law for violence, and the orderly processes of Courts of Justice for the trumpets of war and the carnage of battle. The great work of the Conference was accordingly embodied in the "Convention for the Pacific Settlement of International Controversies."

This Convention contains three main titles as follows:

- I. On Good Offices and Mediation.
- II. On International Commissions of Inquiry.
- III. On International Arbitration.

Title I, Article 1, reads: "With a view to obviating as far as possible recourse to force in the relation between states, the signatory powers agree to use their best efforts to insure the pacific settlement of international differences." The discussion and the resulting convention recognized that the powers constitute a family of nations, and that no two can engage in war without serious loss to all the others. Each nation has a vital interest in the maintenance of peace among all the nations. In consequence of their relation, "whenever serious disagreements or conflicts occur, either before or after an appeal to arms, the signatory powers recommend that one or more powers, strangers to the dispute, should, on their own initiative, offer good offices or mediation to the states at variance." "The exercise of this right can never be regarded by the parties in conflict as an unfriendly act."

An article on special mediation was introduced by the American delegation and unanimously adopted:

Article VIII. "In case of a serious difference endangering the peace, the states at variance choose respectively a power, to whom they intrust the mission of entering into direct communication with the power chosen on the other side, with the object of preventing the rupture of pacific relations. For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the states in conflict cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating powers, who must use their best efforts to settle it. In case of a definite rupture of pacific relations, these powers are

charged with the joint task of taking advantage of any opportunity to restore peace." It was seen that this provision would give opportunity for cool deliberation on the part of the belligerents, and that negotiations would be more likely to result peaceably when carried on by representatives free from the exasperations of interest and passion. In accordance with the general provision for mediation, President Roosevelt brought about the Portsmouth Conference, which terminated the war between Russia and Japan. The world thus early saw the effect of mediation in ending one of the most sanguinary struggles of modern times.

The second division of this convention relates to international courts of inquiry. In disputes growing out of difference of opinion on points of fact which cannot be settled by diplomacy, the powers recommend that the parties institute an international commission of inquiry to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation. The powers in dispute engage to supply the commission with all means and facilities for their investigation. The commission makes report to the conflicting powers signed by all the members. There its duty ends. The provision is very simple. But soon after its adoption such a commission undoubtedly prevented war between two of the great powers. You will recall the Dogger Bank incident, when Admiral Rodjestvensky, in command of the Russian fleet in the North Sea, fired upon and sunk a fleet of English fishermen, thinking they were a squadron of Japanese war vessels about to attack him. The English press and people cried out for war on Russia. War seemed imminent and inevitable. The attention of both parties was called to this provision. A commission was appointed, investigated and reported. Russia acknowledged its wrong, made due apology, paid a substantial sum to compensate for the loss inflicted, and the two great powers remained at peace.

By far the most important provision of this convention was the creation of a Permanent Court of Arbitration. Forty-seven of the sixty-one articles were devoted to that subject. Here was the crowning work of the first Hague Conference.

Article XV. reads: "International arbitration has for its object the settlement of differences between states by judges of their own choice and on the basis of respect for law."

Article XVI. "In questions of a legal nature, and especially in the interpretation or application of international conventions, arbitration is recognized by the signatory powers as the most effective and at the same time the most equitable means of settling disputes which diplomacy has failed to settle."

Article XVIII. "The arbitration convention implies the engagement to submit loyally to the award."

It was provided that each signatory power should select "four persons at the most, of known competency in questions of international law and of the highest moral reputation," to serve as members of the Court for a period of six years, with right to renewal for a further term.

Article XXVIII provided for a permanent administrative council for the Court, composed of "the diplomatic representatives accredited to The Hague and of the Netherlands Minister of Foreign Affairs, who shall act as president."

When signatory powers desire to have recourse to the tribunal for the settlement of differences, each party chooses from the members of the Permanent Court two arbitrators, and these together choose an umpire. If the votes for umpire are equally divided, the choice is entrusted to a third power selected by the parties by common accord. The tribunal thus composed, the parties notify the International Bureau established at The Hague of their action and the names of the arbitrators. Members of the court outside of their own country enjoy diplomatic privileges and immunities. The tribunal has an ordinary seat at The Hague, and will soon occupy there the magnificent Temple of Peace nearly completed by the munificence of Andrew Carnegie.

Article XXVII provides: "The signatory powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that a Permanent Court is open to them; consequently they declare that the fact of reminding the conflicting parties of the provisions of the present convention and the advice given to them in the highest interests of peace to have recourse to the Permanent Court can only be regarded as friendly actions."

The following articles prescribed rules of procedure as definite and precise as the codes or practice acts of our American state or federal courts.

This convention, duly signed by the representatives at the Hague Conference, was promptly ratified by the powers, and to-day forms a part of international law.

The world then asked: Will any nation submit to the Court a controversy insolvable by diplomacy? The United States Supreme Court had to wait a longer time after its creation before it heard its first case. It is a matter of pride to us that the two great republics on the Western Continent were the first to invoke the services of the Hague Court. The Pious Fund claim had vexed the governments of the United States and Mexico for nearly half a century and had baffled the efforts of diplomacy. They submitted the case to the Hague Court. It was heard; a decision was rendered which was accepted by both parties, and that source of dispute between the United States and Mexico has been forever removed. But that was a mere money claim. When the nations are heated to the point of war, can they be brought to refer their contentions to the Court? The Venezuela case answered that question when eleven nations, including Germany, Great Britain and Italy as parties, at the suggestion of Theodore Roosevelt, carried their case to The Hague, and it was there adjusted and the decision of the Court accepted by all the powers interested. Since that decision the Court has been occupied, has determined cases involving tremendous issues, submitted by the strongest powers, and its decisions have been accepted, precisely as the decisions of our courts are accepted in adjusting disputes between individuals.

Men talk of an organized world, and the World Court provided by the first Hague Conference is a long step toward such a consummation. Another essential is a World Legislature with periodic sessions. The Hague Conference itself furnishes a suggestion for law making for the world. The most pessimistic soon ceased to speak of it and its work with derision. Men of broad and statesmanlike vision called the Conference of 1899 the most important gathering in all history. They soon

began to ask if another conference could not meet to continue the work so wisely begun. The Interparliamentary Union, at its session in St. Louis in 1904, pronounced strongly in favor of a second conference, and urged President Roosevelt to send out a call to the powers. The matter was delayed by reason of the Russo-Japanese war, and at its conclusion the President, at the request of Nicholas, allowed him to issue the formal call.

The second Conference sat at The Hague from June 15 until October 18, 1907. The Central and South American states were included in the call and generally sent delegates. Ex-Secretary of State John W. Foster, who was present as an official delegate of China, in his "Diplomatic Memoirs" says: "The second Peace Conference at The Hague was, in some respects, the most important event in the history of the human race. It was the first time that the political representatives of all the nations of the earth had met together."

Of the world's forty-seven independent nations, forty-four were represented by two hundred and forty-four delegates. I merely summarize the work and seek to show that it was distinctly a peace conference carrying forward the work of the Conference of 1899.

Fourteen conventions were adopted, of which the most important was that for the pacific settlement of international controversies, in ninety-seven articles. In the period between the first and second Conferences the original convention had been put to the test and its weaknesses disclosed. The second Conference revised, amended and extended its provisions, chiefly in the matter of procedure, and thus greatly strengthened the Court of Arbitration. For instance, in the convention of 1899 two powers had to agree before the Court could be approached. The revised convention repealed Article XXVII, regarding the duty of signatory (now called contracting) powers to remind disputing powers that the Court was open to them, and adds: "In case of dispute between two powers, one of them can always address to the International Bureau a note containing a declaration that it would be ready to submit the dispute to arbitration." The Peruvian delegation, which introduced this provision, believed that it would be morally impossible for any nation to refuse to arbitrate a dispute when the offer was thus openly made before the world. The moral power of the Hague Court is thereby very greatly increased.

Another important doctrine was embodied in the convention prepared by Gen. Horace Porter, prohibiting the use of force in the recovery of contractual debts until arbitration to determine the justice of the claim had been resorted to or refused by the debtor nation. What a springing fountain of war in Central and South America is here closed up!

A further convention prohibits the bombardment by naval forces of unfortified cities and ports in time of war.

Some of the foremost delegates consider the convention establishing an international prize court as the greatest result of the Conference. Hitherto all captures made during hostilities were taken into a port of the captor and the rights relating thereto were adjudicated in a court of the captor, of course a most partisan procedure, taken at a time when prejudices ran high and the judicial temper

was practically impossible. By this convention the international prize court is substituted for the national court, or serves as a court of appeal therefrom.

"The convention which declares that hereafter all fishing fleets shall be inviolable removes one of the great industries of the world from the perils of violence. Equally important is that which provides for the inviolability of the international mail service, and that which declares the territory of neutrals inviolable."

In my opinion the most important work of the Conference did not result in formal convention. You will remember that the Conference was not a parliament or congress wherein measures are carried by majority vote. It required the unanimous concurrence of all the nations of the earth to adopt a provision. In the matter of the limitation of armaments no practical agreement was reached. It was impossible to secure unanimity of action. But the discussions and the resolution declaring such limitation "highly desirable" in the interests of the people of the world will inevitably bear fruit in some future conference and in the policy of the nations. The same is true of the principle, so long advocated by our government and so ably championed by our Ambassador Choate in some of the most brilliant speeches of the Conference, of the inviolability of private property at sea in time of war. The measure was defeated by the opposition of the British government, but thirty-seven or thirty-eight of the powers favored the principle in the Conference. It is believed another conference will see it embodied in international law. In the same way a general treaty of obligatory arbitration was defeated, though the powers unanimously favored the principle of arbitration and more than three-fourths voted for the general treaty.

The American delegation presented a scheme for a permanent International Court of Justice, and on this great subject the Conference reached practical agreement. The delegates unanimously approved the principle of such a court; they only failed to agree on the method of appointing the judges. It is believed by our State Department that before another Conference convenes we shall have this great supreme court of the world as the result of the second Hague Conference.

The Conference rendered its greatest service to the world in declaring unanimously in favor of periodic Hague Conferences, and set the time for the next meeting at about 1914. It also provided that a special commission shall be appointed by the governments of the powers some two years in advance of the meeting to prepare a program for the third Hague Conference. We see, therefore, already inaugurated a periodic congress of the nations, labored and prayed for by the great international men of the past, and which has been called the greatest possible institution which can be conceived in the interest of the order and peace of the world.

Thus we have a world legislature in the Hague Conference and a world judiciary in the Hague Court. In the organization of the world shall we see a world executive also, and the three coördinate departments of government in operation for the administration of justice and securing peace among the nations? In a recent address ex-Secretary Root said in effect that constables, police and armies do not constitute the real executive power in the world; that even in the settlement of controversies among individuals, an intelligent public opinion

imbued with high ethical principle is the mightiest force among men for the enforcement of the decisions of courts of justice. If this be true, then the two Hague Conferences have already furnished the beginning of an organized world, with its three coördinate departments alert and operative, working to secure peace among the nations. Slightly changing the closing words of the Czar's original rescript, the Conferences have been, by the help of God, a happy presage for the twentieth century. They have united and thus greatly strengthened "the efforts of all those states which sincerely seek to make the great conception of universal peace triumph over the elements of trouble and discord." They have cemented them together "by a joint consecration of the principles of equity and right on which rest the security of states and the welfare of peoples."

The Chicago Peace Society and the Field Secretaryship.

BY CHARLES E. BEALS, FIELD SECRETARY.

The monthly activities have ranged all the way from office routine to peace campaigning "in the land of the Dakotahs."

On Sunday, March 5, the peripatetic pacifist was permitted to preach in the Church of the Redeemer to an audience which he has repeatedly faced. The pastor is that loyal peace worker, Rev. A. Eugene Bartlett. The theme discussed was "Progress in Religion, Doctrine and Ethics."

The peace scout was booked to speak before the South Side Woman's Club, with Hon. Charles E. Merriam, Republican candidate for Mayor of Chicago, on Tuesday morning, March 14. Mr. Merriam being unable to be present, the entire hour was devoted to the subject of "The International Peace Movement." In the afternoon of the same day the same story, with variations, was told to the Park Manor Woman's Club.

Rushing over the great prairies for three-quarters of a thousand miles, the messenger of peace lectured on "The Enlargement of Patriotism" at the University of North Dakota at Grand Forks, on Saturday morning, March 18. Not soon will be forgotten the dinner at President McVey's home with the deans of the university, nor the long, soul-satisfying conversation with these high-minded workers for a better day and civilization.

Sunday morning, March 19, found the Secretary in the pulpit of the First Congregational Church of Fargo, preaching for his old friend, Rev. Dr. Reuben A. Beard. Dr. Beard preceded the Secretary in the pastorate of the Prospect Street Church of Cambridge, Mass. The subject presented was "International Peace Parallel with Ecclesiastical and Industrial Brotherhood." Dr. Beard's younger son, Hubert, has just been awarded a Rhodes scholarship, and will go to Oxford in September for three years.

In the evening of the same Sabbath the peace scout delivered his lecture on "Patriotism in an Internationalized World," in the "Grand Lectureship" course in the Grand Theatre of Fargo. Dr. Max Batt of the State Agricultural College is the moving spirit in this enterprise, which was initiated some five years ago. Dr. Batt is a socialized man of clear ethical vision. The great